

Rec'd CT/PTO 21 FEB 2006

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GARNIER et al

Atty. Ref.: 620-360; Confirmation No. 5871

Appl. No. 10/523,639

TC/A.U. Unassigned

Filed: February 4, 2005

Examiner: Unassigned

For: PRODUCTION OF MULTIMERIC FUSION PROTEINS USING A C4BP SCAFFOLD

\* \* \* \* \*

Tuesday, February 21, 2006

[Monday, February 20, 2006 being a Federal Holiday]

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RULE 47 PETITION

The present Petition and attached Statement of facts are being submitted with the attached partially-executed inventors' Declaration pursuant to Rule 47(a). Grant of the present Petition and acceptance of the attached Statement and Declaration, and entry of the attached Amendment in response to the attached Notification of Missing Requirements dated July 18, 2005, are requested along with an early and favorable Action on the merits.

04/25/2006 CSMOOT 00000003 141146 10523639  
Sect Ref: 00000004 Date: 141146 10523639  
01 FC:1463 200.00 DA

RECEIVED  
13 APR 2006  
Legal Staff  
International Division

GARNIER et al  
Appl. No. 10/523,639  
February 21, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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Reg. No. 36,663

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USING A C4BP SCAFFOLD

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT IN SUPPORT OF RULE 47(a) PETITION**

I, Fergal Hill, do hereby declare and say as follows:

1. I am a named inventor of the above-identified application as well as Executive Director of Avidis SA, Biopole Clermont-Limagne, F-63360 Saint-Beauzire FRANCE, the owner of the application.

2. I have been requested by U.K. counsel for the owner of the above-identified application to describe the efforts I have made, or have been made on my behalf, to obtain the signatures of my co-inventors, Laurence Garnier and Michel Julien, on the Inventors Declaration which I executed and which I understand will be submitted to the U.S. Patent Office with this Statement.

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3. The following are the last known address of Laurence Garnier and Michel Julien:

Laurence Garnier, 36, avenue des Etats-Unis, 63140 Châtel-Guyon, France.

Michel Julien, 115, boulevard Lafayette, 63000 Clermont-Ferrand, France.

4. Laurence Garnier and Michel Julien left the employ of Avidis SA in mid-2004.

5. In October 2005, I forwarded or had forwarded on my behalf the following to the above addresses by registered mail: a copy of the Inventors Declaration with a copy of the above-identified application and a request that the Declaration be reviewed, executed (signed and dated) and returned to my attention if all was in order.

6. In the case of Michel Julien, the above papers were returned to sender unopened and marked that Mr. Julien did not live at the indicated address. To date, no forwarding address has been provided to the owner of the application and/or to myself.

7. In the case of Laurence Garnier, the above papers were returned to sender unopened. To date, no forwarding address has been provided to the owner of the application and/or to myself.

I hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

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statements and the like so made are punishable by fine or imprisonment, or both, under  
Section 1001 of Title 18 of the United States Code and that such willful false  
statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 16<sup>th</sup> day of February, 2006.

(Signature) Fergal Hill  
Fergal Hill

**Avidis™**  
*Creating Better Medicines*  
*through Protein Engineering*  
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RCS Riom 432 792 463 00015 - APE 73-1Z

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620-360  
AHB/FP627R428

Nixon & Vanderhye P.C. (10/99)  
(Domestic Non-Assigned/Foreign) Page 1

RULE 63 (37 C.F.R. 1.63)  
INVENTORS DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PRODUCTION OF MULTIMERIC FUSION PROTEINS USING A C4BP SCAFFOLD

the specification of which (check applicable box(es)):

[ ] is attached hereto  
[X] was filed on February 4, 2005 as U.S. Application Serial No. Unassigned (Atty. Dkt. No. 620-360)  
[X] was filed as PCT International application No. PCT/EP2003/008928 on 12 August 2003  
and (if applicable to U.S. or PCT application) was amended on February 4, 2005

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or Inventor's certificate listed below and have also identified below any foreign application for patent or Inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
EP 02292043.3	Europe	14 August 2002

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number Date/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned
PCT/EP2003/008928	12 August 2003	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint Nixon & Vanderhye P.C., telephone number 703-816-

4000 (to whom all communications are to be directed) and the attorneys of: **Customer Number 23117**, individually and collectively owner(s)/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent. I also authorize Nixon & Vanderhye to add or delete attorneys from that Customer Number, and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1. Inventor's Signature:  
Inventor: Laurence Date: 16 February 2006  
(First) MI (Last) France (Citizenship)  
Residence: (city) Saint-Beauzire  
Mailing Address: Avidis SA, Biopole Clermont-Limagne, Saint-Beauzire, France  
(Zip Code) F-63360

2. Inventor's Signature:  
Inventor: Fergal Hill Date: 16 February 2006  
(First) MI (Last) Ireland (Citizenship)  
Residence: (city) Saint-Beauzire  
Mailing Address: Avidis SA, Biopole Clermont-Limagne, Saint-Beauzire, France  
(Zip Code) F-63360

[x] See attached sheet(s) for additional inventor(s) information!!

3. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor:	Michel (first)	MI	Julien (last)	France (citizenship)
Residence: (city)	Saint-Beauzire	(state/country)	France	
Mailing Address:	Avidis SA, Biopole Clermont-Limagne, Saint-Beauzire, France			
(Zip Code)	F-63360			

FOR ADDITIONAL INVENTORS, check box [ ] and attach sheet with same information and signature and date for each.